

originally filed, in particular page 3, lines 27-34, page 4, lines 5-7 and the examples. Applicants respectfully submit that no new matter within the meaning of 35 USC 132 is added by the amendments and newly submitted claims.

The present application is a continuation application of serial no. 09/806,949. The claims in the '949 application were finally rejected based on two 35 USC 103 rejections for obviousness over Kydonieus in view of Hinkes and Lemon in view of Hinkes. Applicants respectfully submit that the presently amended claims are not obvious in view of the prior art cited in the parent application for the reasons set forth below.

Claims 1 and 6 have each been amended to include the limitation that the pesticide-containing pellet comprises an inert core or a killed seed as a core, with the pesticide being located around the core (either the inert core or the killed seed). Applicants respectfully submit that the references cited in the final rejection in the parent case do not teach or suggest this limitation.

In particular, Applicants respectfully submit that none of the cited patents (Kydonieus, Lemon or Hinkes) disclose the presence of an inert core or killed seed with the pesticide located around the inert core or killed seed. Kydonieus discloses polymeric and layered laminated granules, but does not discuss a core as is claimed. Lemon and Hinkes, likewise, do not discuss the presence of an inert core or killed seed as the inner core of the pesticide-containing pellet.

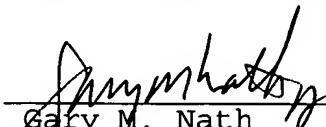
Therefore, even if the references were combined as indicated in the parent application, the combination of references would still be deficient of all of the presently claimed limitations. The absence of the claimed limitations from the combination of references indicates the lack of a *prima facie* case of obviousness.

Accordingly, Applicants respectfully submit that the present claims, including amended claims 1, 3 and 6, and newly submitted claims 7-11, are patentable over the prior art references cited

in the parent application. Early indication of allowable subject matter is earnestly solicited.

If the Examiner has any questions or would like to discuss the merits of this application in order to expedite prosecution, the Examiner is requested to contact the undersigned attorney.

Respectfully submitted,
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MAIL STOP PATENT APPLICATION
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Supplemental Preliminary Amendment

ATTACHMENT A

1. (currently amended) Method for the protection of germinating seed ~~coated~~ with a pesticide, characterized in that seed-containing pellets and pesticide-containing pellets are sown as individual pellets at the same time and wherein said pesticide-containing pellet comprises an inert core or a killed seed as a core and wherein said pesticide is located around said core.
2. (original) Method according to claim 1, characterized in that the pesticide-containing pellets have substantially the same shape and size as the seed-containing pellets.
3. (currently amended) Method according to claim 1, characterized in that the pesticide-containing pellets comprise a ~~dosis~~ dose of pesticide that is sufficient for one seed germ.
4. (previously presented) Method according to claim 1, characterized in that the pesticide-containing pellets contain a filler material.
5. (previously presented) Method according to claim 1, characterized in that the pesticide-containing pellets and the seed-containing pellets have a substantially uniform diameter from 0.5-5 mm.

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6. (currently amended) Pesticide-containing pellet to be used in combination with a seed-containing pellet and wherein said pesticide-containing pellet comprises an inert core or a killed seed as a core and wherein said pesticide is located around said core.
7. (new) Method according to claim 1, wherein said pesticide is in contact with said core.
8. (new) Pesticide-containing pellet according to claim 6, wherein said pesticide is in contact with said core.
9. (new) A method for preparing a pesticide-containing pellet wherein said pesticide-containing pellet comprises a killed seed as a core, comprising the steps of:

killing the seed;
alternating adding coating material and binding solution to provide pellets having a uniform shape and size;
drying the obtained pellets; and
coating the dried pellets with a coating-formulation comprising said pesticide, resulting in a thin layer of coating on the outside of said pellet.
10. (new) A method for preparing a pesticide-containing pellet wherein said pesticide-containing pellet

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comprises a killed seed as a core, comprising the steps of:

killing the seed; and
providing a coating solution and a pesticide
to said seed, resulting in a layer of film
coating on the outside of the killed seed
wherein said layer comprises said pesticide.

11. (new) A method for preparing a pesticide-containing pellet wherein said pesticide-containing pellet comprises an inert core, comprising the steps of:

alternating adding coating material and binding
solution to provide pellets having a uniform
shape and size;
drying the obtained pellets; and
coating the dried pellets with a coating-
formulation comprising said pesticide.